

have made a claim of domestic priority under 35 U.S.C. § 119(e) to U.S. Provisional Patent Application Serial No. 60/258,823 filed December 28, 2000. See Preliminary Amendment Under 37 C.F.R. § 1.121 filed in March 2001. Applicants request acknowledgement of the claim of priority under 35 U.S.C. § 119(e).

### **III. AMENDMENT TO THE DRAWINGS**

Applicant has submitted herewith as Exhibit B six sheets of formal drawings including one sheet of corrected drawings.<sup>2</sup> In particular, in Figure 9, Applicant has added an engine and corresponding reference number 216 in accordance with the Examiner's request to further illustrate the invention. Entry of the formal and corrected drawings is respectfully requested.

### **IV. AMENDMENT TO THE CLAIMS**

Claims 5 and 10 have been amended to clarify the recitation of the invention in accordance with the Examiner's suggestion. Applicants submit that these amendments do not add any new matter.

### **V. NEW CLAIM**

Applicants have added new claim 22. Support for claim 22 can be found throughout the specification and drawings including in Figure 1. Accordingly, Applicants submit that new claim 22 does not add any new matter.

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<sup>2</sup> Applicant notes that these drawings were previously submitted with Applicants previous response mailed October 11, 2002.

## **VI. REJECTION OF CLAIMS 5 AND 10 UNDER 35 U.S.C. § 112, ¶ 2**

Claims 5 and 10 stand rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicants regard as their invention. Applicant has amended claims 5 and 10 to clarify the recitation of the invention and, in particular, that the recited “first end” and “second end” are two ends of the recited “strut rod.” Applicants respectfully submit that the rejection has been overcome and request that the rejection be withdrawn.

## **VII. REJECTION OF CLAIMS 1-18 AND 20-21 UNDER 35 U.S.C. § 102(B)**

Claims 1-18 and 20-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Berckhan (U.S. Patent No. 3,243,007).<sup>3</sup> Applicant has amended claims 5 and 10. Applicants respectfully submit that the rejection of claims 1-18 and 20-21 under 35 U.S.C. § 102(b) is improper because Berckhan does not disclose or suggest all of the limitations recited in the claims. In re Paulsen, 30 F.3d 1475, 1478-79, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994); Verdegaal Bros. v. Union Oil Co. of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1997) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”).

Independent claims 1, 6 and 13 each recite “a subframe” including “first and second side members” and “first and second cross members, each of said first and second

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<sup>3</sup> The rejection of claims 6-12 is set forth separately and asserts that claims 6-12 are “anticipated by Berckhan et al. (U.S. Patent No. 5,560,651).” The cited patent number belongs to another previously cited patent. Because the remainder of paragraph 4 in the Office Action refers to Berckhan and appears to use numerical references from Berckhan, Applicants have responded as if the rejection were based on Berckhan in the interests of furthering prosecution of this matter. If the Examiner intended to reject claims 6-12 on the basis of another reference, however, Applicants request an additional non-final Office Action to provide Applicants with a chance to address the intended rejection.

cross members integral with said first and second side members so as to form a unitary member.” Applicants respectfully submit that Berckhan does not disclose or suggest a subframe meeting the recited limitations.

Berckhan discloses a subframe 15 including two cross-members 23, 24 and two side members 29, 30. Notably, however, side members 29, 30 are coupled to cross members 23, 24 through “struts” 25, 26, 27, 28 which are welded to transverse members 23, 24. Column 3, lines 39-42. Berckhan nowhere discloses or suggests the integration of the side members and cross members into a unitary member.

Applicants further note that Berckhan fails to teach or suggest several other limitations found in the dependent claims. For example, claims 5, 10, and 17 each recite a strut rod coupled between the subframe and the vehicle frame. The Examiner has identified item 73 in Berckhan as a strut rod having a first end coupled to the subframe and a second end coupled the vehicle frame. As set forth in Berckhan, however, item 73 is a “vertical post” that is disposed between the bell crank 69 and vehicle frame. Column 3, lines 55-64.

Claims 4, 9, and 16 each recite a third cross member integral with the first and second side members and configured to support an engine of the vehicle. The Examiner has identified item 36 in Berckhan as a third cross member. Applicants respectfully submit, however, that item 36 is not integral with the first and second side members as defined in the application (but rather is welded or otherwise coupled to the cross-members) and does not support an engine (but rather a differential housing 39). Figures 2 and 6.

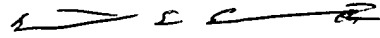
Claims 6, and 11-12 each recite that the subframe is configured to receive elements of a steering linkage and/or a steering gear. Claim 18 recites that a steering linkage is coupled to the subframe. Claim 20 recites that a steering gear is mounted on the subframe. The Examiner has asserted that Berckhan disclose a subframe meeting these limitations, citing items 50 (steering gear) and 70 (steering linkage). Applicants first note that item 50 refers to wheel bearings in Berckhan. Column 3, line 18. More importantly, however, Berckhan nowhere discloses or suggests that the subframe is “configured to receive” elements of a steering linkage or a steering gear (claims 6 and 11-12), or that a steering linkage is “coupled to” the subframe (claim 18) or that a steering gear is “mounted on” the subframe (claim 20). Rather, Berckhan only discloses that elements of a steering linkage are coupled to the wheels and frame—not the subframe. Column 3, lines 55-64. Further, Berckhan nowhere even discloses a steering gear.

Because Berckhan does not teach or suggest all of the limitations recited in independent claims 1, 6 and 13, Applicants submit that the rejection of claims 1, 6 and 13 under 35 U.S.C. § 102(b) is improper and requests that the rejection be withdrawn. Further, because each of claims 2-5, 7-12, 15-18 and 20-21 depend from one of the aforementioned independent claims, Applicants submit that the rejection of claims 2-5, 7-12, 15-18 and 20-21 under 35 U.S.C. § 102(b) is also improper and request that the rejection be withdrawn.

## VIII. CONCLUSION

For the above cited reasons, all of the claims presently pending in this application are believed to be allowable. If the Examiner has any further questions or concerns, the Examiner is invited to contact the Applicant's undersigned attorney.

Respectfully submitted,



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## AMENDED CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

5. (Twice Amended) The subframe of claim 1 wherein said first cross member is configured to receive a first end of a strut rod, said strut rod having a second end coupled to a frame of said motor vehicle.

10. (Once Amended) The subframe of claim 6 wherein said first cross member is configured to receive a first end of a strut rod, said strut rod having a second end coupled to a frame of said motor vehicle.

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